

REMARKS

This application has been carefully reviewed in light of the Official Action mailed July 16, 2007. Claims 1, 10, and 16 are amended above. Claims 1-6, 8-13, and 15-23 are now pending in this case. Applicant respectfully requests reconsideration of this application and favorable action on all remaining claims in this case in view of these amendments and the following remarks.

In the Official Action, the Examiner rejected claims 1-4, 6, 8-11, 13, 15-17, 19, and 20-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,831,526 to Luchs et al. ("Luchs"), in view of U.S. Patent Application Publication No. 2002/0116228 to Bauer et al. ("Bauer"). Amended claim 1 requires, in a method for conducting a financial transaction,

- (a) making an application, via a website accessed from a global communications network, for acquisition of a financial product that requires activation to become effective;
- (b) processing said application for approval during a single visit to said website;
- (c) said processing including determining eligibility of the applicant for said financial product ***based upon a set of business rules programmed by a provider of said financial product;***
- (d) following approval of said application, activating said financial product to complete said financial transaction;
- (e) wherein said steps of making, processing and activating are all conducted by the applicant through a global communications network.

(emphasis added). In similar fashion, amended claim 10 requires, in a method for buying and selling an insurance policy,

- (a) making an application to purchase said insurance policy by an applicant during a single visit to said website accessed from a global communications network;
- (b) processing said application for approval during a single visit to said website;
- (c) said processing of said application includes determining eligibility of the applicant for said insurance policy ***based upon a set of business rules programmed by a provider of said insurance policy;***
- (d) following approval of said application, providing coverage under said insurance policy;

(e)wherein said steps of making, processing and providing coverage are all conducted by the applicant during a single visit to said website through a global communications network.

(emphasis added). Finally, amended claim 16 requires, in a system for conducting a financial transaction by an applicant during a single internet session through a global communications network,

- (a) a first interface for receiving an application completed by the applicant using a website accessed through the global communications network for acquisition of a financial product that requires activation to become effective;
- (b) a processor for processing said application for approval during a single visit to said website, wherein the processing of said application includes determining the eligibility of the applicant for said financial product *based upon a set of business rules programmed by a provider of said financial product*; and
- (c) a second interface for routing application information to a provider of said financial product through the global communications network if said application is approved to obtain substantially immediate activation of said financial product by said provider.

(emphasis added). As disclosed in the subject application, such a method and system provides a means for conducting a financial transaction, such as the acquisition of an insurance policy, in such a manner that the transaction can be processed to completion in a substantially immediate manner using a global communications network such as the world wide web. *See, e.g.,* subject specification, pg 3, ¶ 5.

The combination of Luchs and Bauer fails to teach limitation (e) of amended claims 1 and 10, and limitation (c) of amended claim 16. In contrast, Bauer is totally silent regarding this claim limitation. Luchs merely discloses an *underwriting approval function* which includes a manual review of a new policy request for compliance with "certain criteria and limitations chosen by the individual underwriter," not determination of the eligibility of an applicant *based upon a programmed set of rules* provided by a financial product provider as required by the above listed claim limitations. *See, Luchs, col. 9, line 52 – col. 10, line 56.* For at least this reason, amended claims 1, 10 and 16, along with all claims depending therefrom, are patentable over the combination of Luchs and Bauer.

In the Official Action, the Examiner rejected claims 5, 12, and 18 under 35 U.S.C. § 103(a) as unpatentable over Luchs in view of Bauer, in further view of U.S. Patent No. 5,819,230 to Christie et al. ("Christie"). Dependent claim 5 depends from, and further restricts, independent claim 1 in a patentable sense. Dependent claim 12 depends from, and further restricts, independent claim 10 in a patentable sense. Dependent claim 18 depends from, and further restricts, independent claim 16 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to independent claims 1, 10, and 16, dependent claims 5, 12, and 18 are patentable over the combination of Luchs and Bauer. The mere addition of Christie does not cure the deficiencies set forth above with respect to claims 1, 10 and 16.

In addition, there is no suggestion in the prior art to modify the teachings of Luchs, Bauer, and Christie so as to reach the requirements of amended claims 1, 10, and 16, much less their associated benefits. Absent such suggestion, any such modification would necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, independent claims 1, 10 and 16, along with all claims depending therefrom, are patentable over any combination of Luchs, Bauer, and Christie.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

Dated: November 8, 2007

Respectfully submitted,

By 

Shoaib A. Mithani

Registration No.: L0067

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant